

UNITED STATES OF AMERICA,)
)
v.)
) **CRIMINAL CASE NO. 1:11-CR-161-1**
JOHNNY REID EDWARDS)

Pursuant to Federal Rule of Criminal Procedure Rule 12(b)(3), Mr. Edwards moves to dismiss portions of the Indictment for failing to charge valid crimes for which he may be prosecuted. Specifically: (1) the Indictment charges Mr. Edwards with crimes in Counts 2 through 5 that did not occur in this Judicial District and thus violates the venue requirements of Article III, Section 2, the Sixth Amendment of the Constitution and Federal Rules of Criminal Procedure 12 and 18; (2) Counts 2 through 5, by alleging that Mr. Edwards “aided and abetted” the illegal receipt of campaign contributions, charge him with an impossibility under the law because, as the principal charged in the Indictment, he cannot “aid and abet” himself in committing the alleged crime; and (3) Counts 1 through 3 are defective because \$375,000 of the \$725,000 alleged to have been illegally contributed by Person C (Rachel Mellon) was not “received” until after Mr. Edwards ended his campaign for the Presidency and therefore those donations could not have been "campaign contributions" intended to influence the outcome of a federal election.

Dated: September 6, 2011

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CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2011, I electronically filed the foregoing **MOTION TO DISMISS INDICTMENT ALLEGATIONS FOR CHARGING DEFECTS (Motion to Dismiss No. 5)** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

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